

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 649-B  
Case No. 88-30C  
(Consolidated PUD @ 4th & K Streets, N.W.)  
October 21, 1991

On February 12, 1990, the Zoning Commission for the District of Columbia adopted Z.C. Order No. 649, which was an application of the Massachusetts Crescent Limited Partnership requesting consolidated review and approval of a Planned Unit Development (PUD), pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

Z.C. Order No. 649 granted PUD approval for a 130-foot, mixed-use residential, office, and retail project at the southwest corner of the intersection of Fourth and K Streets, N.W.

Pursuant to 11 DCMR 3028.8., Z.C. Order No. 649 became final and effective upon publication in the District of Columbia Register on April 13, 1990, (37 DCR 2461).

By Z.C. Order No. 649-A, dated May 13, 1991, the Zoning Commission corrected an administrative error that lead to the omission of Lot 58 from Z.C. Order No. 649. That correction has been made.

By letter dated July 17, 1991, Crescent Construction Company, the new owner of the PUD site, filed a motion to extend the validity of Z. C. Orders No. 649 and 649-A.

Pursuant to 11 DCMR 2406.10, the applicant requested an extension of the validity of the PUD for two years, because of stringent economic conditions which have made it difficult to secure appropriate tenants and favorable financing for the project.

The letter summarizes the basis for the extension request as follows:

"At this time, we hereby request a two-year extension of the Order to April 13, 1994 before plans must be filed for a building permit and April 13, 1995 before construction must commence. This request is necessary so that we may continue to seek a tenant and financing and so that we are not required to finalize permit drawings before we obtain a lead tenant.

Z.C. ORDER NO. 649-B  
CASE NO. 88-30C  
PAGE NO. 2

Since Order No. 649 was approved, the financial markets and the economic situation concerning real estate financing have not strengthened and have in fact weakened. The lending institutions with which we have held discussions have stressed their stringent pre-leasing requirements and their limited capacity for financing new real estate projects.

We have diligently sought a strong lead tenant and sources of financing both nationally and internationally, and we continue to do so. Currently, rental rates in the office market are severely depressed and we believe it is not prudent to begin construction until such time as substantial pre-leasing and appropriate financing have been arranged. Therefore, additional time is needed for us to complete our pre-leasing and financing arrangements".

The applicant, by an attachment to its letter, certified that Advisory Neighborhood Commission (ANC) 2C was served a copy of the extension request on July 17, 1991.

Advisory Neighborhood Commission - 2C, by letter dated September 9, 1991, supported applicant's request for the two year extension.

The District of Columbia Office of Planning (OP), by memorandum dated August 30, 1991, indicated that the real estate market has experienced an extreme downturn since the PUD was approved. The OP also had no objection to the requested extension.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

On September 10, 1991, at its regular monthly meeting, the Zoning Commission concurred with the recommendation and position of OP and ANC-2C, and determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Orders No. 649 and 649-A be **EXTENDED** for a period of **TWO YEARS**; that is, until April 13, 1994. Prior to the expiration of that time, the applicant shall file an application

Z.C. ORDER NO. 649-B  
CASE NO. 88-30C  
PAGE NO. 3


for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within five years from the effective date of Z.C. Order No. 649; that is, not later than April 13, 1995.

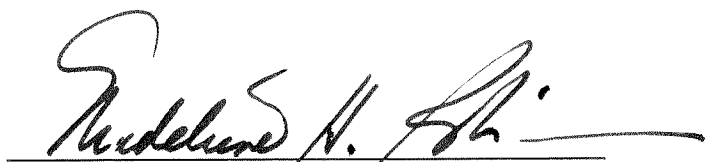
Vote of the Zoning Commission taken at the monthly meeting on September 10, 1991: 4-0 (John G. Parsons, William L. Ensign, Maybelle Taylor Bennett to extend for two years, and Lloyd D. Smith to extend for two years by proxy - Tersh Boasberg, abstained).

This order was adopted by the Zoning Commission at the public meeting on October 21, 1991 by a vote of 3-0: (John G. Parsons, William L. Ensign to adopt and Tersh Boasberg to adopt for institutional purposes, Lloyd D. Smith and Maybelle Taylor Bennett, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on

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MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning

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